

**SUBJECT: Affirmative Marketing for HOME Funded Rental Projects of Five or More Units
Policy Bulletin #23**

EFFECTIVE DATE: January 1, 1992

The following affirmative marketing requirements apply **only** to structures containing five (5) or more rental units assisted with HOME funds. This policy will outline the items which must be included in the grantees' affirmative marketing plan. These are:

- C Informing the General Public
- C Informing Potential HOME-Assisted Property Owners
- C Property Owner Obligations
- C HOME Rental Rehabilitation Agreement
- C Record Keeping
- C Assessment
- C Remedies for Noncompliance with Affirmative Marketing Requirements

Informing the General Public

The method for informing the general public of the availability of the HOME funded Rental Rehabilitation Program will include at a minimum placing an advertisement in a newspaper of general circulation **and** a publication reaching those persons least likely to apply. All advertising will contain the HUD-approved Equal Opportunity logo **and** slogan. All display advertising will contain the logo in a prominent position with the advertisement in letter size equal to or greater than the smallest letters in the ad. Additional outreach to organizations which service disabled persons will be used when a barrier free unit(s) is part of the project.

A summary of the HOME Rental Rehabilitation Program guidelines and the ongoing affirmative marketing requirements will be made available at the grantees' office and at other designated public places.

Informing Potential HOME-Assisted Property Owners

Upon initial contact with the property owner, the grantee will inform interested property owners of the HOME Rental Rehabilitation Program Guidelines, the Fair Housing Laws, and of their obligations and responsibilities under the HOME program guidelines. Copies of the HUD publication "**Fair Housing - It's Your Right**", as well as other written materials will be provided to the property owners.

Property Owner Obligations

At the time of application, upon request of the grantee, the property owner shall issue letters to tenants currently occupying units to be rehabilitated and submit copies of those letters to the grantee.

Vacancies

The property owner shall agree that he/she will notify the grantee immediately upon learning that a rehabilitated unit will become vacant. The property owner will also send notification to the local Public Housing Authority (PHA) and one predetermined local agency or nonprofit that assists low income housing with housing services.

The property owner may simultaneously inform the general public about the availability of rehabilitated units by advertising for tenants in a paper of general circulation and a publication reaching those persons least likely to apply. Publications must use the Equal Housing Opportunity logo in display ads or "EHO" in line ads.

The property owner shall keep track of new tenants (race, ethnicity, gender, income, family size, and rent) and notify the grantee of all new occupancies and vacancies. All pertinent rental and statistical data, throughout the term of the agreement, shall be reported to the grantee at least annually, and at other times as requested by the grantee.

Informing Potential Tenants

While taking applications to fill a vacancy, the property owners shall keep documentation of all applicants for the vacancy and for all applicants who have been denied rental occupancy of the available unit(s). These records must be maintained for five (5) years following MSHDA's notification to the grantee that the grantee has been officially closed out.

HOME Rental Rehabilitation Agreement

The grantee shall prepare an agreement with each property owner which describes in part their willingness to comply with the affirmative marketing requirements. The affirmative marketing requirements shall remain in effect for the term required by the HOME regulations.

Record Keeping

Property owners will, on an annual basis, contact the grantee to identify the race, ethnicity, gender, income, family size, and rent of tenants. The grantee will maintain records of flyers or ads and a list of contact dates with special outreach agencies. Property owners will provide, where possible, the date on how applicants learn about the housing opportunities.

Assessment

Affirmative marketing efforts made by property owners will be assessed by the grantee as follows:

- C To determine if good faith efforts have been made: Property owner's records shall be examined for actions they have taken; those actions shall be compared with the affirmative marketing policy in their contractual provisions. If the grantee finds that the required actions were carried out, it will be reasonably concluded that the property owners have made good faith efforts to comply.
- C To determine results: Property owner's affirmative marketing efforts will be assessed to determine whether persons from all of the racial and ethnic groups in the grantees' area have become tenants in the HOME-assisted rehabilitated units. If the groups are representative, we will assume that the property owners have complied with the affirmative marketing policy.

Remedies for Noncompliance with Affirmative Marketing Requirements

If a property owner fails to comply with the policy and any applicable federal laws regarding the affirmative marketing policy, the property owner will not be allowed to continue to participate in the rental program. The restriction would be lifted at such time when the property owner supplies the grantee with a corrective action plan which sufficiently demonstrates the steps he/she will take to correct and comply with applicable Federal Housing Laws and the affirmative marketing policy.